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C O N F I D E N T I A L MINSK 001049

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E.O. 12958: DECL: 12/21/2017

TAGS: [PGOV](#) [PHUM](#) [PINR](#) [BO](#)

SUBJECT: 22-YEAR-OLD POLITICAL PRISONER TO BE HELD 18
MONTHS LONGER

REF: MINSK 918

Classified By: Ambassador Karen B. Stewart for reason 1.4 (d).

Summary

11. (SBU) Following a nine-hour trial, political prisoner and Malady Front youth activist Artur Finkevich was sentenced December 21 to eighteen months of detention in a penal colony for violations of the terms of his May 2006 hard labor ("khimya") sentence for graffiti. Finkevich, who was nearing the end of a two-year sentence, is now likely to be detained until mid-2009. End Summary.

Finkevich Sentenced to Eighteen Months Detention

12. (SBU) Judge Natalya Kashkina of the Oktyabrskiy Rayon Court in Mogilyov sentenced current political prisoner and Malady Front activist Artur Finkevich to eighteen months detention in a penal colony December 21. Finkevich was convicted for several violations of the terms of his May 2006 hard labor sentence for two acts of graffiti. The violations, which Finkevich largely admitted while submitting evidence of mitigating circumstances, included being late to return to barracks (once by as little as 13 minutes) and being intoxicated, once, according to Finkevich, because he took medicine by mouth delivered in an alcohol solution. At one point, Finkevich claimed that others in his labor colony had gone missing for five or six days without prosecution. In response Judge Kashkina asked if he was arguing that a double standard had been used in his case. When Finkevich answered in the affirmative, she dismissed the allegation saying that such double standards were an issue for the Ministry of Justice, not her court.

Finkevich, Malady Front, Maintain Will to Fight

13. (C) Finkevich was visibly ill during the day's court proceedings, and complained of chest pains as the trial began. A doctor was summoned and though it was established that Finkevich had elevated blood pressure, he was ordered fit to stand trial. While his voice was soft and he looked weak, Finkevich's spirit was not broken. At one point during the trial he flashed the "V for Victory" sign to a Radio Liberty reporter present in the courtroom.

14. (C) During the trial, Finkevich had the support of about fifty Malady Front colleagues in the courtroom, and an equal number outside the building. Those outside the courthouse often led cheers of "Long Live Belarus" and "Freedom to

Finkevich" throughout the day's proceedings. Referring to the conduct of the judge and prosecutor, opposition "For Freedom" leader Aleksandr Milinkevich told Poloff that the trial was absurd and that the verdict was clear from the start. At one point early in the proceedings, Kashkina "mistakenly" referred to Finkevich as "the guilty" instead of "the accused," to groans from benches of opposition members present. Following the guilty verdict and eighteen month sentence, Timofey Dranchuk, an opposition lawyer who observed the trial, told Poloff, who together with OSCE was also in attendance, that Finkevich's sentence had been significantly more than he expected. Dranchuk said that petty criminals often received six months or one year for similar "khimya" violations.

Comment

15. (C) An eighteen-month sentence for little more than technical violations of labor detention is outrageous. The selective prosecution, kangaroo court atmosphere and unreasonably stiff verdict in Finkevich's trial confirm the real reason for his detention, which was never graffiti or barracks rules violations but Finkevich's outspoken opposition to the Lukashenko regime. Since his original two-year sentence was due to expire in just days, however, one must ask why the Lukashenko regime chose draconian punishment over the chance to earn points by freeing one of six political prisoners "by attrition." Sadly, the action is consistent with recent violent reactions to peaceful demonstrations, and may signal a new pattern of repression.

STEWART